IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.7283 of 1995

Between:

Lt. Col. D.W. Ferris, S/o. Sardar Bhadur G.J. Ferris,
R/o. 12-2-834/835, Asif Nagar,
Hyderabad.

...PETITIONER

AND

1 Govt., of A.P., Rep. by it's Secretary, Revenue ,Urban Land Ceilings, Hyderabad.
2 The Commissioner of Land Reforms & Urban Land Ceilings, Hyderabad.
3 The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring: a) that the land in S.No.14,15&16 of Secunderguda(V), Rajendranagar Tq., R.R.Dist, do not come under the purview of urban Land (Ceiling and Regulation) Act,1976 in as much as they have not been included in the Master Plan that was existing on the date of Commencement of the said act, b) that the action of the 2nd respondents herein in not entertaining the appeal petition filed by the petitioner on the ground of delay by his proceedings dt.24.1.1995 in C.No.Hyd/375/94 as arbitrary, illegal and unjust and issue consequential direction directing the respondents not to invoke or apply or take any action under the Urban Land Ceiling and Regulation) Act 1976 in respect of the land in S.No.14,15&16 Secunderguda(V), Rajendranagar Tq., R.R.Dist, and not to interfere in any manner whatsoever with the possession and enjoyment of the petitioner over the said land under the Act or otherwise.

Counsel for the Petitioner: MR.S.SATYANARAYANA PRASAD
Counsel for the Respondent s: GP FOR LAND CEILING

The Court made the following :

ORDER:

This writ petition is filed challenging the order dated 24.01.1995 passed by the 2nd respondent rejecting the appeal filed under Section 33 of the Urban Land (Ceiling & Regulation) Act, 1976, as barred by limitation and also rejecting the request for condonation of delay in filing the appeal.

The case of the petitioner as stated in the affidavit filed in support of the delay application before the appellate authority was that he fell seriously sick in the year 1982-83 with gastric ulcer and other complications and visited United States thrice for taking treatment. It was his further case that as his health condition was not good, in order to dispose of his agricultural land, he entered into an agreement of sale dated 26.01.1982 with M/s Sri Sai Maruthi Co-operative Housing Society Limited, Hyderabad, and also applied to the Government for exemption under Section 20 of the Act in terms of the guidelines issued in G.O.Ms.No.136 dated 28.01.1981 and that the said application is still pending with the Government. Petitioner further alleged that the delay in filing the appeal was occurred on account of his sickness and subsequent pendency of exemption application with the Government.

The appellate authority after considering the reasons stated in the affidavit filed in support of such delay application rejected the appeal on the ground that no such sufficient cause is made out to entertain the appeal which was preferred with a delay of about 12 years.

Heard both sides.

A counter affidavit has been filed stating that final order under Section 8(4) and 9 of the Act was served on the petitioner as long as on 03.05.1982, whereas the appeal was filed in the year 1995. It is also stated that no sufficient cause is shown to condone such inordinate delay.

Having considered the submissions on either side and on a perusal of the material available on record, it is seen that no cogent reasons are forthcoming on behalf of the petitioner for condoning such inordinate delay. I do not find any merit in the writ petition.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

09.06.2005

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Copy to:

1 The Secretary, Govt., of A.P., Revenue ,Urban Land Ceilings, Hyderabad.
2 The Commissioner of Land Reforms & Urban Land Ceilings, Hyderabad.
3 The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.

4. Two CCs to GP for Land Ceilings, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.